

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Sandy Garrett

Application No.: 10/734,046

Confirmation No.: 8990

Filed: December 11, 2003

Art Unit: 3694

For: METHODS AND SYSTEMS FOR PAYMENT
OF EQUIPMENT USAGE

Examiner: Ella Colbert

PROVISIONAL ELECTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement issued on October 9, 2007, Applicant provisionally elects the Group IV claims, namely, claims 17-28, 32-44, and 52-61, for examination in the above-identified patent application.

But a comparison of, e.g., Group IV's claim 57 with Group III's claim 45 reveals that the latter defines a method of "using a computer system" to perform the operations that the computer system defined by the former is configured to perform. Since a method of using a computer to perform an operation necessarily requires a computer configured to perform that operation, examining these claim groups necessarily involves the same field of search, so searching one simultaneously with the other cannot impose any significant burden on the Examiner.

Applicant therefore requests that the Examiner reconsider and withdraw the restriction requirement.

Dated: November 1, 2007

Respectfully submitted,

By / Joseph H. Born /

Joseph H. Born

Registration No.: 28,283

FOLEY HOAG LLP

155 Seaport Blvd

Boston, Massachusetts 02210

(617) 832-1134

Attorney for Applicant